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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**JOSE ALBERTO MARTINEZ HERNANDEZ
ET AL.,**

Plaintiffs,

-against-

EAST WINGERS INC. ET AL.,

Defendants.

17-cv-2176 (ALC)

**ORDER GRANTING
MOTION TO WITHDRAW**

ANDREW L. CARTER, JR., United States District Judge:

On May 27, 2022, Kevin Sean O'Donoghue, attorney for Defendants moved to withdraw his appearance as counsel. ECF No. 124.

Under Rule 1.4 of the Local Civil Rules of the Southern and Eastern Districts of New York, “[a]n attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the Court,” and “[s]uch an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case.” Local Civ. R. 1.4. When deciding whether to grant a motion to withdraw, courts consider both “the reasons for withdrawal and the impact of the withdrawal on the timing of the proceeding.” *Thekke v. LaserSculpt, Inc.*, No. 11–CV–4426, 2012 WL 225924, at *2 (S.D.N.Y. Jan. 23, 2012) (citations and quotations omitted).

After considering the posture of this action and the proffered reasons for withdrawal, the Court grants the motion. The Court stays this case for thirty days to allow Defendants to either retain new counsel, or, in the case of Defendant Patel, inform the Court whether he intends to represent himself. If Defendant Patel intends to represent himself, within thirty days of this Order, he shall submit his mailing address, telephone number, and email address to the Court. Defendant East Winger Inc. must appear with new counsel with new counsel within thirty days of this Order.

See Jones v. Niagara Frontier Transp. Auth., 722 F.2d 20, 22 (2d Cir. 1983) (“[I]t is established that a corporation, which is an artificial entity that can only act through agents cannot proceed *pro se*.”). Failure to do may result in an entry of default.

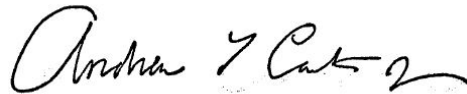
Defendants’ outgoing counsel, Mr. O’Donoghue, shall deliver forthwith a copy of this Order to all Defendants by means reasonably calculated to reach them, and file proof of service no later than **June 2, 2022**.

No later than one week after either Defendants’ new counsel files a notice of appearance or the deadline to retain new counsel passes, the parties shall file a joint status report regarding next steps.

The Clerk of Court is respectfully directed to terminate the appearance of Kevin Sean O’Donoghue and terminate ECF No. 124.

SO ORDERED.

Dated: May 31, 2022
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written over a horizontal line.

ANDREW L. CARTER, JR.
United States District Judge